

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3838 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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SOMANI OVERSEAS CORPORATION

Versus

UNION OF INDIA

Appearance:

M/S TRIVEDI & GUPTA for Petitioners

MR JAYANT PATEL for Respondent No. 1

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 08/05/98

ORAL JUDGEMENT (Per : Balakrishnan,J.)

Rule. Mr. Jayant Patel, learned Standing Counsel
waives service thereof on behalf of the respondents.

The petitioners have filed an appeal before the
2nd respondent against the order passed by the 3rd
respondent. The petitioners have also moved an
application for stay of the impugned order. The stay
application is not finally disposed of. The petitioners
contend that during the pendency of these proceedings,
the authorities are taking coercive steps to realise the
amount due.

We heard the learned Counsel for the petitioners
and the learned Standing Counsel for the respondents.

A reference was made to the order passed by this
Court in SCAs no.21/97 & 22/97 and also to a decision in

DCW Ltd. vs. Commissioner (Appeals) & Ors. reported in 1997(2) GLR 913. In the above decision, this Court directed the respondent authority to dispose of the stay application within a prescribed time.

Having regard to the facts and circumstances of the case, we direct respondent no.2 to consider the stay application and pass appropriate orders preferably within six weeks from the date of receipt of copy of this order. Till the stay application is finally disposed of, the authorities shall not take any further coercive step to realise the amount payable under the impugned order. The application is disposed of accordingly. Rule is discharged subject to above directions. No order as to costs.

D.S.Permitted.

(K.G.Balakrishnan,J.)

(J.M.Panchal, J.)